

Applicant: Cary et al.
Application No.: 10/663,156

AMENDMENTS TO THE DRAWINGS

The drawings were objected to by the draftsman under 37 1.84(l) for poor line quality. Amended drawings have been provided which correct the alleged defects. No new matter has been added in the drawings.

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1-25 are currently pending in this application. Claims 1, 7, 8, 18, 19, and 25 have been have been amended. Applicants submit that no new matter has been added by the amendment herein.

In the action, claims 8-25 were withdrawn from consideration as being drawn to a non-elected invention. Claims 8-25 as amended are now directed to a method of producing an appliance including connecting a glass/metal laminate sheet. Since claims 1-7 are device claims directed to an appliance formed from glass/metal laminate, a separate search is not required for claims 8-25. Accordingly, Applicants respectfully submit that no serious burden exists in examining all of the claims. Therefore, all claims should be examined. See MPEP §803. In view of the above amendments, Applicants respectfully request that the restriction requirement be withdrawn and all of the pending claims be examined on the merit.

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Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over UK Patent No. GB 2,074,089 (Laroche et al.). Applicants respectfully traverse this rejection.

Laroche et al. disclose a glass/metal laminate panel. A metal panel is bonded to a glass panel using various adhesives or bonding layers. Laroche et al. fail to suggest or disclose "an appliance having a plurality of sides and a panel formed from a glass/metal laminate connected to one of the plurality of sides", as recited in claim 1. There is no disclosure in Laroche et al. even indicating that the glass/metal laminate can be used in producing an appliance. Laroche et al. only discloses the production of a decorative panel.

The Examiner concedes that Laroche et al. fail to disclose an appliance having a glass metal laminate panel, but indicates that a person of ordinary skill in the art would have found it obvious to use a glass/metal laminate panel on an appliance. Applicants respectfully disagree. Obviousness can only be established by combining or modifying the teachings of the prior art where there is some motivation in the references or the knowledge available to one skilled in the art. See MPEP 2143.01. The prior art must teach the desireability of modifying or combining references. *Id.* Laroche et al. does not provide the necessary motivation, as its disclosure is stated as pertaining only to "decorative panels, and the production of mirrors". See page 1, lines 6-9. Further, nothing in the known prior art suggests the desireability of modifying the Laroche et al. to teach an appliance having such a panel connected to one of its sides. Accordingly, Applicants

respectfully request withdrawal of the rejection of claim 1. Claims 2-7 depend from claim, and therefore Applicants request withdrawal of claims 2-7.

Claim 7 is further patentable over the cited reference because the cited reference fails to suggest or disclose an adhesive adhered directly to a bare metal sheet. Larouche et al. recites "[t]he metal ply is preferably steel which has been galvanised and bonderised" and "the metal ply has a primed face which bonded to the glass ply" (See pg. 1 lines 64-65, 89-91). Clearly, surface preparation of the sort described by Larouche et al. would prevent a natural metal surface from being seen through an overlaying glass piece. However, it is not an object of the Larouche et al. to provide a view of a natural metal surface.

Applicants respectfully request withdrawal of the Section 103 rejection of claims 1-7.

Under *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), the determination of obviousness requires "(A) Determining the scope and contents of the prior art; (B) Ascertaining the differences between the prior art and the claims in issue; (C) Resolving the level of ordinary skill in the pertinent art; and (D) *Evaluating evidence of secondary considerations.*" *MPEP Rev 1, Feb. 2003, 2141, pg. 2100-115*. Secondary evidence such as commercial success, long felt need, and failure of others must be considered in every case in which presented. *Id.*

Enclosed is the signed declaration of inventor Karen Cary submitted under

37 CFR § 1.132. Ms. Cary, a Chemical and Applications Engineer at Schott Corporation, has significant experience in design and manufacture of appliance applications. According to the declaration, prior to the invention titled "Glass/Metal Laminate For Appliances" which is the subject of the present application, no feasible way existed to provide an appliance with an easily cleaned and maintained exposed metal appearing finish. Ms. Cary observed that the present Glass/Metal Laminate For Appliances solves the shortcomings of stainless steel paneled appliances by providing a metallic finish, for example a polished stainless steel finish, which is less apt to show smudges, stains and contaminants. Ms. Cary also notes that the glass surface of the Glass/Metal Laminate can be cleaned quickly and easily with almost any household cleaning chemical.

According to *Graham*, evidence to rebut a case of obviousness "may include evidence of 'secondary' considerations', such as 'long felt but unsolved needs, [and] failure of others'". *Id.* at pg 2100-147 citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). In this case it is clear that there was a long felt need that had not previously been addressed in appliance applications to provide a surface which appears metallic but is easily cleaned and maintained. Despite this long felt need, prior to the present invention, no suitable solution had been discovered. Accordingly, Applicants respectfully submit that the Cary declaration must be considered as evidence of non-obviousness of the claimed invention. Accordingly in

Applicant: Cary et al.
Application No.: 10/663,156

view of the foregoing, Applicants respectfully reiterate the request for withdrawal of the Section 103 rejection.

Claims 8-25 are directed to methods of producing an appliance having a glass/metal laminate panel. These claims are patentable for at least the reasons set forth above with respect to claims 1-7.

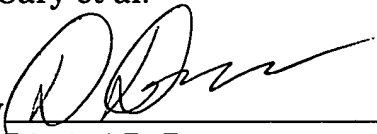
If for any reason the Examiner believes that an interview, either telephonically or in person, would assist in the prosecution of the application, the Examiner is respectfully requested to contact the undersigned attorney to arrange an interview.

Applicant: Cary et al.
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In view of the foregoing amendment and remarks, Applicants respectfully request reconsideration and submits that the present application, including claims 1 - 25, is in condition for allowance. A notice to that effect is respectfully requested.

Respectfully submitted,

Cary et al.

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DPD/vs
Enclosures